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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,015	09/07/2006	Thorsten Holst	2081-0144PUS1	2622
2292 7590 05/13/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER LE, DON P				
ART UNIT 2819		PAPER NUMBER		
NOTIFICATION DATE 05/13/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/555,015

Applicant(s)

HOLST ET AL.

Examiner

Don P. Le

Art Unit

2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 15 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 16-19, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 11/1/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Knapp et al. (US 5,508,873).

3. With respect to claim 1, figure 1 of Knapp discloses a microwave transmission unit including a cabinet (12, 96) with a first coaxial connector (first 16) and a second coaxial connector (second 16), where both coaxial connectors include an inner conductor (20) and an outer conductor (16), said cabinet (12) being made of a non-conducting material, such as plastics, and coated with a metal layer, characterised in that the microwave transmission unit includes a lightning conductor (96) which is dimensioned so as to conduct lightning current without being damaged to any serious extent, and which is electrically connected to the outer conductor of the first coaxial connector and to the outer conductor (16) of the second coaxial connector(4). (Given the apparatus of Knapp has the same arrangement as disclosed by applicant, the apparatus of Knapp would provide the same protection as claimed by applicant).

4. With respect to claim 20, figure 1 of Knapp discloses the first coaxial connector (first 16) and the second coaxial connector (second 16) are arranged at the

same end of the cabinet (2) and are fastened to a common plate-shaped metal fitting forming the lightning conductor (96).

5. With respect to claim 21, figure 1 of Knapp discloses the lightning conductor (96) is formed by a mounting member (14) for mounting of the microwave transmission unit on a structural part.

6. With respect to claim 22, given the lightning conductor of Knapp is made of metal, it is inherently has an n electric resistance of less than 1 Ohm, unless stated otherwise by Knapp.

7. With respect to claim 23, it is inherent in the apparatus of Knapp that the total electric resistance between the outer conductors of the coaxial connectors through the lightning conductor is max. 0.1 Ohm given the connector is electrically connected to the lightning conductor

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knapp et al. (US 5,508,873). The dimension of the lighting conductor (96) as disclosed by Knapp is not the same as claimed. However, it is a matter of design

choice to have the dimension with a particular value as a function of how big the apparatus desired to be made to fit particular operation requirements. It would have been obvious to one of ordinary skill of art at the time the invention was made to have made the lightning conductor of Knapp with a particular dimension as a matter of design choice such as size and operational requirements.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knapp et al. (US 5,508,873). Knapp is silent as to the thickness of the metal coating of the cabinet. However, the coating thickness is a matter of choice for the purpose of providing electrical connections and cost requirements. It would have been obvious to one of ordinary skill of art at the time the invention was made to the metal coating thickness of a particular value as a design choice for the purpose of providing electrical connection and cost requirements.

Allowable Subject Matter

11. Claims 16-19, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is an examiner's statement of reasons for allowance:

with respect to claim 16, the prior art does not teach the first coaxial connector and the second coaxial connector are arranged at their respective ends of the cabinet, and that the microwave filter includes a cover for closing the cabinet, said cover including the lightning conductor.

With respect to claim 19, the prior art does not teach the lightning conductor is electrically connected to the outer conductor of the first coaxial connector and to the outer conductor of the second coaxial connector through fittings which are screwed into said lightning conductor and a flange on the coaxial connectors by means of screws.

With respect to claim 25, the prior art does not teach a microwave transmission unit as in claim 14 form of a microwave filter of the cavity resonator type including columnar resonators formed integral with the cabinet.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Don P. Le whose telephone number is 571-272-1806. The examiner can normally be reached on 7AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Barnie Rexford can be reached on 571-272-1812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Don P Le/
Primary Examiner, Art Unit 2819
5/7/2008